



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAY 14 2001

Edward Kosola
Realty/Environmental Officer
Federal Highway Administration
100 Centennial Mall North
Lincoln, Nebraska 68508

Re: Comments on the Draft EIS for South and East Beltways in Lincoln, NE Project No. DPU-3300(1), (EIS # 01-0253)

Dear Mr. Kosola

The Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the construction of a beltway around the south and east sides of the City of Lincoln. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned a CEQ number of 010088.

Based upon our review of this project and its DEIS, we have assigned a rating of "EC-2." In the absence of a declared preferred alternative, this rating applies equally to any of the alignments under consideration. A copy of EPA's rating system is attached for your reference. Our concerns may be adequately addressed if the project's forthcoming Final EIS provides: (1) a selection of the preferred alternative and, (2) appropriately addresses our concerns as presented in our comments below. Since a Preferred Alternative was not identified in the DEIS, our review focused on the four potentially possible alternatives, SM-4, EC-1, EM-1, and EF-2, as identified during the project's evaluation process.

The DEIS adequately establishes and defines the project's Purpose and Need, but our initial concern lies in how faithfully the alternatives were developed to fulfill the purpose and need. In your "Assessment of Environmental Impacts" (page S.3) it is stated that the "goals, objectives, and values of the Lincoln-Lancaster County community will need to be carefully considered in the selection of the preferred alternative." This statement is confusing because in no other part of this document are the goals, objectives, or values of the community stated. Further, this document does not include the comments and/or suggestions that may have been provided by the community throughout the public participation process (Chapter 6), thus making it difficult for us to determine which comments will be factored into your decision making of the preferred alternative. In the Final EIS, we recommend that you incorporate the public participation comments and/or suggestions by reference, either through footnotes or a bibliography.

The EPA's 309 review acknowledges your anticipated controversial areas as being: Wilderness Park, Historic Resources, Social Concerns, and Urban Sprawl. While these were addressed in the DEIS, it was also noted that there was a conflict between the number of citizens who live in rural areas and the prospect of a "circumferential roadway" regardless of the location (p. 3.7). Since public comments were not documented in the DEIS, we have no way of knowing what these specific concerns are, but consideration of specific issues raised by these groups may be useful in the final determination of a preferred alternative. Further, construction of the beltway will require conversion of existing farmland to road right-of-way causing severed access to farmland. If access impacts are anticipated with the alternatives, we recommend that access restoration options and cost be included in the FEIS.

The currently proposed mitigation (Section 3.16.3 and Appendix D, page D11, Section 8.0) is not clear about plans for mitigating in-kind for lost palustrine and riverine wetlands. We particularly would be interested in seeing mitigation for the project impacts focused on forested wetlands (PFOA), scrub-shrub wetlands (PSSA), and emergent wetlands (PEMA, PEMC, and PEMF). Further, we also believe there may be opportunities for mitigating in-kind for lower perennial and intermittent streams (i.e., R2UBG, R4SBA, R4SBC, R4SBF, and R4SBJ). The opportunities could be centered around in-channel wetland enhancement or construction and restoration of channel meanders where streams have been straightened. We recommend that these types of in-kind mitigation be considered and their feasibility addressed in the FEIS.

The current proposal (Section 3.16.3 and Appendix D, page D11, Section 8.0) is for a 1:1 replacement to loss ratio for both within bank and outside of a bank mitigation. This ratio is not fully consistent with current interagency guidelines developed for Lancaster and Saunders counties (see Mitigation Guidelines for Nebraska's Eastern Saline Wetlands, 1997). The wetlands anticipated to be lost by the proposed project are classified as Category IV (i.e., freshwater wetlands with freshwater plant communities on non-saline hydric soils). In the event that the City of Lincoln's proposed mitigation bank contains available credits, then purchase of such credits from the bank to offset impacts under the proposed project would fall within the 1:1 ratio. However, if credits from the bank are unavailable, then the ratio of 1.5:1 for mitigation sites near the project route would apply. We recommend that the FEIS address the likely availability of certified credits from the proposed bank and the anticipated mitigation option that would be used for this project, including the expected number of mitigation acreages by wetland types.

We are also concerned that the proposed mitigation ratio of 1:1 is too low as it pertains to forested wetlands. There is considerable lag time between initiation of any forested wetland mitigation and maturity of such communities, which results in a lag in the wetland's capability for providing certain functions (e.g., wildlife diversity, sediment/shoreline stabilization, production export). Therefore, it would be reasonable and appropriate to increase the ratio for their replacement. This would be in keeping with the national goal of no net loss of wetlands. We recommend that forested wetland losses be mitigated at a ratio of 3 acres replaced for every 1 acre lost.

We recommend that the final EIS include all expected costs to the project associated with wetlands mitigation, including monitoring, for each alternative.

Wetland impacts have been carefully quantified for the four finalist alternatives; however, the DEIS does not provide any estimates of wetland impacts that are expected under the No Build Alternative (Section 3.16.4). This lack of information makes it difficult to compare the project effects between all alternatives. We recommend that the final EIS quantitatively include all anticipated wetland impacts, including those for the No Build Alternative.

Further, the DEIS reveals impacts to cultural or historic resources. An archeological survey was employed in the identification of sites eligible for the NRHP; however, the survey only provided a survey of the project stream crossings and a 10% sample of upland areas. As well, a bottomland survey was not completed due to landowners who denied permission to survey. Proposed mitigation (3.23.3) includes an archeological survey of bottomlands where access has been previously denied. With only 10% of the upland surveyed and none of the bottomland surveyed, the probability seems high that this bottomland could contain archeological artifacts. Likewise, in the case of eligible sites, the proposed mitigation measures do not tell the reader the expected results of each proposed mitigation. The FEIS should outline which of the proposed mitigation measures will abate each of the adversely impacted NRHP eligible sites. This could be done in a relatively simple table which would correspondingly reflect the alternative, the resource impacted and to what degree, the mitigation measure proposed, and the expected result of that specific mitigation (similar to Table 3.15). This could eliminate the need for the reader to shift from table, to narrative, to appendices to gather relevant information.

Although the project is presently documented as a draft EIS, there has been no expressed preferred alternative. For this reason, we are unable to assess whether the proposal is for the least environmentally damaging and practicable alternative. The project proponent, upon applying to the U.S. Army Corps of Engineers (Corps) for a Clean Water Act, Section 404 permit, will be required to demonstrate to the Corps that the preferred alternative is the least environmentally damaging and practicable alternative.

We appreciate the opportunity to review this project and its DEIS. If you have any questions on our comments, please contact Naima Halim Chestnut at (913) 551-7168. Naima can also be reached by email at halim-chestnut.naima@epa.gov.

Sincerely,



Leo J. Alderman, Director
Environmental Services Division

cc Roger Figard, City of Lincoln
Amy Zlotsky, AZ Environmental LLC
Pat Hamon, OFA
Pearl Young, OFA EIS Filing Section